

REMARKS

By this submission, Applicant respectfully requests an amendment to claim 22 be entered.

Though Applicant acknowledges that prosecution of this application on the merits is closed, as stated in MPEP 1214.07, “[s]ometimes an amendment is filed after the Board’s decision which does not carry into effect any recommendation made by the Board and which presents a new or amended claim or claims...” “If [such an] amendment obviously places an application in condition for allowance, regardless of whether the amendment is filed with an RCE, the primary examiner should recommend that the amendment be entered, and with the concurrence of the supervisory patent examiner, the amendment will be entered.” MPEP §§ 1214.07, 1002.02(d). Considering the below, this is believed to be the case here.

Applicant admits that the proposed amendment was not suggested in an explicit statement by the Board “under 37 CFR 41.50(c),” but Applicant respectfully submits that the Board’s decision pointed out exactly which limitations to include to distinguish claim 22 from the cited references. (Decision on Appeal 2009-004274, pg. 8). In its decision affirming the rejection of Claim 22, the Board specifically stated that “[c]laim 22 does not recite the limitation (d) calling for the step responsive to a command, automatically generating, by said computer system, said workflow process management application... Thus we do not credit claim 22 with requiring a computer to effect the step of automatically generating subsequent worker assignments without further interaction with the user.” Specifically, the Board added that “although a computer is recited in the preamble, it is not thereafter incorporated into the body of the claim.” (Decision on Appeal 2009-004274, pg. 8)

The proposed amendment to claim 22 positively incorporates the computer into the body of the claim and adds the limitation (d) recited in at least claim 1. The limitation is believed to “obviously place[claim 22 and] the application in condition for allowance.” MPEP §§ 1214.07. Both Examiner Sterrett’s recommendation and the concurrence of the supervisory examiner are respectfully solicited.

Applicant respectfully submits that if entered, this Amendment will place the application in condition for allowance. Favorable consideration of this Amendment is therefore respectfully requested.

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Respectfully submitted,

By 
Gianni Minutoli

Registration No.: 41,198
Matthew B. Weinstein
Registration No.: 62,202
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-2200
Attorneys for Appellant